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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-182241

FEB 24 1975

The Honorable Glen E. Pommerening
Assistant Attorney General
for Administration
Department of Justice

Dear Mr. Pommerening:

We refer to your letters dated October 25, 1974, and December 2, 1974, with enclosures, which reported on the protests of the Acme Reporting Company and Capital Court Reporters under invitation for bids No. DJ-A-75-5.

Enclosed is a copy of our decision of today. In view of our conclusion that rejection of Acme's low bid without referral to SBA was improper, it is our recommendation that the question of Acme's capacity to provide the reporting services must now be submitted to SBA for a determination as to whether Acme is entitled to a certificate of competency (COC) covering the services on which it bid. We also recommend that the question of Capital's capacity be simultaneously submitted to the SBA so that in the event that the SBA is unable to issue a COC to Acme, Capital's eligibility may be determined. If the SBA issues a COC as to the subject services to either Acme or Capital, the remaining portion of Ace-Federal's contract should be terminated for the convenience of the Government and an award for such terminated portion be made to the lower bidder receiving the COC.

As this decision contains a recommendation for corrective action to be taken, it is being transmitted by letters of today to the congressional committees named in section 232 of the Legislative Reorganization Act of 1970, Public Law 91-510. In view thereof, your attention is directed to section 236 of the act which requires that you submit written statements of the action to be taken with respect to the recommendation. The statements are to be sent to the House and Senate Committees on Government Operations not later than 60 days after the date of this letter and to the Committees on Appropriations in connection with the first request for appropriations made by your agency more than 60 days after the date of this letter.

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We would appreciate advice of whatever action is taken on our recommendation.

Sincerely yours,

R.F.KELLER

[Deputy] Comptroller General
of the United States

Enclosure